

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

STATE OF LOUISIANA,
By and through its Attorney General,
LIZ
MURRILL;

AMERICAN PETROLEUM
INSTITUTE;

and,

CHEVRON U.S.A. Inc.,

Plaintiffs,

v.

NATIONAL MARINE FISHERIES
SERVICE; and

HOWARD LUTNICK, in his official
capacity as the Secretary of Commerce,

Defendants.

Hon. James D. Cain, Jr.

CIVIL ACTION NO. 2:25-cv-691

Declaration of Edward O'Brien

Pursuant to 28 U.S.C. § 1746, I, Edward O'Brien, III, duly affirm under penalty of perjury as follows:

1. I am over the age of 18, have personal knowledge of the matters set forth herein, and am competent to make this Declaration.

2. My name is Edward O'Brien, III. I am a Senior Economist and Energy Information Manager for the Office of Energy of the Louisiana Department of Energy and Natural Resources.

3. I have over 20 years of professional experience in economic modeling and forecasting, including serving as a lead economist for global fiscal terms for Schlumberger (August 2005 to March 2008), an economic advisor with a focus on the oil-and-gas sector for Haisley Millar Consulting (November 2008 to March 2010), and a senior economist for GEC, Inc. including work within Louisiana's chemical market (March 2010 to March 2012).

4. In my current role, I lead the State of Louisiana's economics team tasked with forecasting and presenting oil-and-gas-related economic information to the Secretary and Governor to facilitate revenue analysis and budget creation.

5. Louisiana is the nation's number one producer of oil in the Gulf, and it is one of the nation's top five producers of natural gas. Oil and gas development in the Gulf is an essential part of the State's economy; for example, the oil and gas industry, and its associated downstream positions, accounts for approximately 100,000 jobs in the State.

6. The State of Louisiana receives federal disbursements from gas and oil production in the Gulf under both the Gulf of Mexico Energy Security Act, (GOMESA) and the 1953 Outer Continental Shelf Lands Act (known as "8(g) funds").

7. As a result of these disbursements, the State has received hundreds of millions of dollars in federal funds. In Fiscal Year 2024 alone, Louisiana and its

coastal parishes received over \$156 million through revenue sharing under GOMESA.

8. The State of Louisiana and its local government subdivisions rely on these disbursements to fund a host of state programs, including coastal restoration and improvement projects and Louisiana's Quality Education Support Fund for school districts statewide.

9. The level of exploration, drilling, and production in the Gulf directly affects the amount of future disbursements to the State of Louisiana. The funds received likewise depend on the Oil and Gas Program in the Gulf to operate efficiently and effectively.

10. I have reviewed the National Marine Fisheries Service's opinion entitled "Biological and Conference Opinion on Bureau of Ocean Energy Management and the Bureau of Safety and Environmental Enforcement's Oil and Gas Program Activities in the Gulf of America," issued on May 20, 2025 ("the BiOp").

11. I understand that the BiOp applies to all activities regulated by the U.S. Bureau of Ocean Energy Management and the U.S. Bureau of Safety and Environmental Enforcement under the Outer Continental Shelf ("OCS") Oil and Gas Program. I also understand that it requires these federal agencies to consult with the agency with jurisdiction over an endangered species (here, the National Marine Fisheries Service) and with applicants (like certain oil and gas companies) to ensure that action taken on the OCS is not likely to jeopardize the existence of certain endangered species.

12. Under the BiOp, I understand that the National Marine Fisheries Service has found that the Rice's whale's continued existence is jeopardized by the OCS Oil and Gas Program. This has led to the development of a "reasonable and prudent alternative"—in other words, additional measures imposed on Program participants—that the agency believes will reduced projected vessel strikes of the Rice's whale.

13. If the BiOp is left to operate in its current form, it would likely cause a significant decrease in oil-and-gas operations and activities in the Gulf, as indicated by industry participants' evaluation of the BiOp and its newly-imposed regulatory burdens that impose delays and additional expenses on the Oil and Gas Program.

14. In that case, the State of Louisiana would likely lose millions of dollars in future payments and disbursements. Increased expenses to the Oil and Gas Program leads to a direct decline in the State's statutory income, which in turn directly affects the State's Program-sponsored restoration projects, among others.

15. Louisiana's economy as a whole will also suffer if there is a decrease in Oil and Gas Program production. A wide array of businesses associated with the Gulf's market—including vessel transportation services, commercial fisheries, and others—will suffer from decreased oil and gas activity. And Louisiana's workforce stands to lose high-paying offshore exploration and production jobs.

I declare under penalty of perjury under the laws of the United States of America and the State of Louisiana that the foregoing is true and correct.

Executed in Baton Rouge, Louisiana, this 29th day of July, 2025.



Edward O'Brien, III